IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL ACTION NO. 3:1	4-CV-604
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ROGER LEE ROBINETTE, JR.,)	
Plaintiff,)	
V.)	ORDER
**)	ORDER
CAROLYN W. COLVIN,)	
Defendant.)	
	,	

BEFORE THE COURT is Plaintiff's Motion for Attorney Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 (Doc. 12). The Commissioner does not oppose Plaintiff's motion. (Doc. 14). For the reasons stated therein, the motion is **GRANTED**.

Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's May 4, 2015 order remanding this case to the Commissioner for further administrative proceedings **IT IS HEREBY ORDERED** that the Court will award attorney's fees in the amount of two thousand eight hundred sixty seven dollars and fifty cents (\$2,867.50). No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 130 S. Ct. 1251 (2010), these attorney's fees are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. The Plaintiff has executed a signed assignment of EAJA fees to her attorney, rather than to Plaintiff. (Doc. 12-4). If, subsequent to the entry of this Order, the

Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor Plaintiff's signed assignment. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay the remainder of the attorney's fee to Plaintiff's counsel in accordance with the above agreement.

IT IS SO ORDERED.

Signed: August 19, 2015

Richard L. Voorhees United States District Judge